

PATENT
Attorney Docket No. 390073

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Guillory, Andre P.	Examiner	Nguyen, Phung
Serial No.	09/804,772	Group Art No.	2632
Filed	March 13, 2001	Confirmation No.	2684
For	System for Selective Notification of Severe Weather Events		

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Third Declaration of Andre P. Guillory
Under 37 C.F.R. § 1.131
(Third Guillory Declaration)**

I, Andre P. Guillory, declare as follows.

1. I am the named inventor of U.S. Patent Application No. 09/804,772, filed on March 13, 2001 (the "Application").
2. I own the entire right, title, and interest in and to the Application.
3. I have read and understand the specification and claims in the Application.
4. I have read and understand the contents of the Office action dated August 14, 2003, and the references cited therein. I have read and understand in particular United States Patent No. 6,590,529, issued July 8, 2003, and filed December 29, 2000, taking priority to U.S. Provisional Application No. 60/182,352, filed on February 14, 2000 (the "Schwoegler patent").
5. This declaration is being presented under 37 C.F.R. § 1.131 to establish the invention of this Application prior to December 29, 2000 (the filing date of the Schwoegler patent) and prior to February 14, 2000 (the filing date of the Schwoegler provisional application).
6. Attached hereto as Exhibit A is a declaration of Marshall E. Martin (the "Martin Declaration"). I believe all statements in the Martin Declaration to be true.
7. I met with Marshall E. Martin ("Martin") on a date between late November 1999 and early December 1999 to discuss my invention to obtain technical assistance for producing a prototype of the invention and for preparing a patent application (the "Meeting").
8. In the Meeting, I showed Martin some drawings of the invention and some descriptive write-ups of the invention. I cannot locate a copy of those drawings and descriptive

CC 1304951v1

write-ups.

9. In the Meeting, I discussed the following aspects of my invention with Martin.
 - a. The weather warning system would include receivers that could be placed in individual homes, businesses, or other locations. One or more transmitters would transmit one or more signals to be received by one or more receivers.
 - b. In one example, a transmitter would transmit a signal to be received by at least one receiver.
 - c. The weather warning system would enable authorities, such as an emergency local authority, to trigger warnings in homes, businesses, or other areas by a specific designated area.
 - d. For example, a tornado warning or alert would be delivered to only those homes/businesses in the actual path of the tornado or under actual threat of the tornado.
 - e. The warning/alert could be triggered by the same local authority/system that sounds the siren for the area.
 - f. A warning/alert could be generated to a designated geographic area.
 - g. The designated area could be a county and/or city.
 - h. The designated area could be a sector of a county and/or city.
 - i. The designated area could be another geographic sector.
 - j. The sectors could be as small and as numerous as appropriate.
 - k. The transmitted signal would include a code to designate the designated area.
 - l. In one example, one or more codes in the transmitted signal would indicate a county designation and/or a city designation and/or a geographic sector designation within the county and/or city.
 - m. In another example, a larger area could be alerted by sending a series of codes to alert multiple sectors.
 - n. The transmitted signal may include a type code to identify whether the signal being transmitted was an actual alarm or warning signal or a test signal.
 - o. In later discussions, we expanded the type code to allow for other types of warnings, such as a chemical spill, etc.
 - p. The "codes" are data transmitted in the signal, and they may include type code, city/county code, and/or sector code and/or other codes.

q. The signal could be transmitted on the 900 Mhz band. However, other frequency bands also could be used, including higher and lower frequencies.

r. In one example, one or more receivers have one or more switch settings that can be set for a selected city/county and/or sector.

s. In another example, a receiver has switch settings that can be set for a selected city/county and/or sector. If the receiver receives a signal and the signal has a code that matches the switch settings, the receiver will produce an alarm or warning or action for the type of signal received (test signal, tornado signal, other warning signal, etc).

t. The above list is not meant to be limiting. The above list may be supplemented.

10. Attached hereto as Exhibit B, and incorporated fully herein by reference, is a copy of the Declaration of Andre P. Guillory Under 37 C.F.R. § 1.131, filed on October 9, 2003, including Exhibits 1-3 of that Declaration (the "First Guillory Declaration").

11. The First Guillory Declaration shows the following.

a. A U.S. Patent and Trademark Office Search Request Form dated February 7, 2000. The Search Request Form includes a description of a portion of the invention.

b. A charge card sales slip filled out by the patent research company that performed the search, dated February 10, 2000.

c. A patent search report dated February 27, 2000, generated from the patent research group in response to the Search Request Form submitted February 7, 2000. Portions of the patent search report have been redacted.

d. From the date on which I received the patent search report to March 14, 2000, the date on which I filed my provisional application, materials for filing the provisional application for the Tornado Warning System were prepared. The provisional application with those materials was filed on March 14, 2000.

e. The present Application incorporates the disclosure from, and claims priority to, the provisional application.

12. From the date of the Meeting until the date I requested the patent search, I worked on technical aspects of the invention and prepared information so that I could request the patent search.

13. From the above-referenced Exhibits, it can be seen that the invention in the present Application was made, including at least a full conception of the invention, at least by a

date between late November, 1999 and early December, 1999, which is a date earlier than the effective date of the Schwoegler patent.

14. I conceived and, with due diligence, pursued an effective reduction to practice of the system for selective notification of severe weather events of the provisional application and the present Application.

15. All acts relied on were carried out within the United States.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Respectfully Submitted,

Date 6/18/04

By Andre P. Guillory
Andre P. Guillory

STATE OF KANSAS :
: SS
COUNTY OF SEDGWICK :

On this 18th day of June, 2004, before me personally appeared Andre P. Guillory known to me to be the person described in and who executed the foregoing instrument as his free act and deed.

In witness whereof, I have hereunto set my hand and affixed my notarial seal the day and year last written above.

Charles L. Lane
Notary Public

My commission expires: 5-9-2006
(SEAL)



CC 1304951v1